

MONTANA LEGISLATIVE HISTORY

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Special Session

Chapter 32 1993

Bill H 56 S _____

Original bill & history ☒ C

H. Committee on Education + Cultural Resources

Hearing Date(s) 12/10/93 ☒ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Education + Cultural Resources

Hearing Date(s) 12/13 ☒ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

12/15	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING (3/5 VOTE REQUIRED FOR THIS MOTION TO PASS)	50 48
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HB 54 INTRODUCED BY BENEDICT
INCREASE THE FEE FOR ENFORCEMENT AND ADMINISTRATION OF THE
FIRE HAZARD REDUCTION PROGRAM
BY REQUEST OF DEPARTMENT OF STATE LANDS AND OFFICE OF BUDGET
& PROGRAM PLANNING

12/02	INTRODUCED
12/02	REFERRED TO APPROPRIATIONS
12/02	FIRST READING
12/03	FISCAL NOTE REQUESTED
12/09	HEARING
12/09	FISCAL NOTE RECEIVED
12/09	FISCAL NOTE PRINTED
12/13	COMMITTEE REPORT—BILL PASSED AS AMENDED DIED IN PROCESS

HB 55 INTRODUCED BY FOSTER, ET AL.
IMPLEMENT A PROPOSED CONSTITUTIONAL AMENDMENT THAT WOULD
ALLOW THE VALUATION OF PROPERTY TO BE BASED ON ACQUISITION
VALUE; PROVIDE THAT THE ASSESSED VALUE OF CLASS FOUR
PROPERTY IS BASED UPON THE ACQUISITION VALUE OF THE
PROPERTY

12/03	INTRODUCED
12/03	REFERRED TO TAXATION
12/03	FIRST READING
12/03	FISCAL NOTE REQUESTED
12/07	FISCAL NOTE RECEIVED
12/08	FISCAL NOTE PRINTED
12/08	HEARING
12/09	COMMITTEE REPORT—BILL PASSED AS AMENDED DIED IN PROCESS

HB 56 INTRODUCED BY COCCHIARELLA, ET AL.
CLARIFY THAT MANDATORY APPROVAL FOR ATTENDANCE OUTSIDE A
CHILD'S SCHOOL DISTRICT OF RESIDENCE IS NOT REQUIRED IF
CERTAIN GEOGRAPHIC CONDITIONS ARE MET AND IF THE DISTRICT OF
RESIDENCE PROVIDES TRANSPORTATION AND IS WITHIN THE SAME
COUNTY AS THE CHILD'S SCHOOL DISTRICT OF CHOICE

12/03	INTRODUCED		
12/03	REFERRED TO EDUCATION & CULTURAL RESOURCES		
12/03	FIRST READING		
12/03	FISCAL NOTE REQUESTED		
12/08	HEARING		
12/08	FISCAL NOTE RECEIVED		
12/08	FISCAL NOTE PRINTED		
12/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
12/10	2ND READING PASSED	96	3
12/10	3RD READING PASSED	94	3
TRANSMITTED TO SENATE			
12/11	FIRST READING		
12/11	REFERRED TO EDUCATION & CULTURAL RESOURCES		
12/13	HEARING		
12/14	COMMITTEE REPORT—BILL CONCURRED		
12/15	2ND READING CONCURRED	49	0
12/15	3RD READING CONCURRED	49	0

RETURNED TO HOUSE
 12/16 SIGNED BY SPEAKER
 12/18 SIGNED BY PRESIDENT
 12/18 TRANSMITTED TO GOVERNOR
 1/03 SIGNED BY GOVERNOR
 CHAPTER NUMBER 32
 EFFECTIVE DATE: 01/03/94

HB 57 INTRODUCED BY HIBBARD, ET AL.

PROVIDE A TAX CREDIT TO FEDERAL RETIREES WHO TIMELY FILED FOR
 A REFUND, INCLUDING INTEREST, FOR TAXES PAID ON FEDERAL
 PENSION INCOME DURING THE PERIOD FROM 1983 THROUGH 1987

BY REQUEST OF DEPARTMENT OF REVENUE AND OFFICE OF BUDGET &
 PROGRAM PLANNING

12/03	INTRODUCED		
12/03	REFERRED TO APPROPRIATIONS		
12/03	FIRST READING		
12/03	FISCAL NOTE REQUESTED		
12/07	FISCAL NOTE RECEIVED		
12/08	FISCAL NOTE PRINTED		
12/08	HEARING		
12/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
12/09	2ND READING PASSED AS AMENDED	56	44
12/09	3RD READING PASSED	55	42
	TRANSMITTED TO SENATE		
12/09	FIRST READING		
12/09	REFERRED TO TAXATION		
12/15	HEARING		
12/16	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
12/16	2ND READING CONCURRED	49	0
12/16	3RD READING CONCURRED	47	2
	RETURNED TO HOUSE WITH AMENDMENTS		
12/17	2ND READING AMENDMENTS NOT CONCURRED	65	35
12/17	FREE CONFERENCE COMMITTEE APPOINTED		
	SENATE		
12/17	FREE CONFERENCE COMMITTEE APPOINTED		
	DIED IN PROCESS		

HB 58 INTRODUCED BY HARPER, ET AL.

ENHANCE SEVERANCE BENEFITS FOR INVOLUNTARILY TERMINATED
 STATE EMPLOYEES

12/03	INTRODUCED		
12/03	REFERRED TO STATE ADMINISTRATION		
12/03	FIRST READING		
12/04	FISCAL NOTE REQUESTED		
12/09	HEARING		
12/09	TABLED IN COMMITTEE		
12/09	FISCAL NOTE RECEIVED		
12/09	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	51	45
	(3/5 VOTE REQUIRED FOR THIS MOTION TO PASS)		
12/17	MOTION FAILED TO TAKE FROM COMMITTEE AND PLACE ON 2ND READING	51	48
	(3/5 VOTE REQUIRED FOR THIS MOTION TO PASS)		

(2) *The department may contract with one or more persons for the management of comprehensive physical health services and the management of comprehensive mental health services for medicaid recipients. The department may contract for the provision of these services by means of a fixed monetary or capitated amount per recipient.*

(3) A managed-care system is a program organized to serve the medical needs of medicaid recipients in an efficient and cost-effective manner by managing the receipt of medical services for a geographical or otherwise defined population of recipients through appropriate health care professionals.

(3)(4) The provision of medicaid services through managed-care and capitated health care systems is not subject to the limitations provided in 53-6-101, ~~53-6-103~~, and 53-6-104.

(5) *The proposed systems, referred to in subsection (1), must be submitted to the legislative finance committee. The legislative finance committee shall review the proposed systems at its next regularly scheduled meeting and shall provide any comments concerning the proposed systems to the department of social and rehabilitations services."*

Section 3. **Mental health advisory group.** The department of social and rehabilitation services shall develop the mental health managed care plan in consultation with an advisory group. The advisory group shall consist of representatives from mental health services clients and their family members, community mental health centers, private mental health services providers, the Montana legislature, the department of social and rehabilitation services, the department of corrections and human services, the state hospital, Montana hospitals, and other appropriate groups.

Section 4. **Physical provider advisory group.** The department of social and rehabilitation services shall develop the physical care managed care plan in consultation with an advisory group. The advisory group must consist of representatives from health services clients and their family members, private physical care providers, the Montana legislature, the department of social and rehabilitation services, the department of corrections and human services, Montana hospitals, and other appropriate groups.

Section 5. **Repealer.** Section 53-6-103, MCA, is repealed.

Section 6. **Effective date.** [This act] is effective January 1, 1994.

Section 7. **Termination.** [Sections 3 and 4] terminate June 30, 1995.

Approved January 3, 1994.

CHAPTER NO. 32

[HB 56]

AN ACT CLARIFYING THAT MANDATORY APPROVAL FOR ATTENDANCE OUTSIDE A CHILD'S SCHOOL DISTRICT OF RESIDENCE IS NOT REQUIRED IF CERTAIN GEOGRAPHIC CONDITIONS ARE MET AND IF THE DISTRICT OF RESIDENCE PROVIDES TRANSPORTATION AND IS

WITHIN THE SAME COUNTY AS THE CHILD'S SCHOOL DISTRICT OF CHOICE; AMENDING SECTION 20-5-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-5-321, MCA, is amended to read:

"20-5-321. Attendance with mandatory approval — tuition and transportation. (1) An out-of-district attendance agreement that allows a child to enroll in and attend a school in a Montana school district that is outside of the child's district of residence or in a public school district of a state or province that is adjacent to the county of the child's residence is mandatory whenever:

(a) the child resides closer to the school that the child wishes to attend and more than 3 miles from the school the child would attend in the resident district and:

(i) *the resident district does not provide transportation; or*

(ii) *the district of residence provides transportation and is not within the same county as the child's school district of choice;*

(b) the child resides in a location where, due to road or geographic conditions, it is impractical to attend the school nearest the child's residence;

(c) the child is a member of a family ~~who must~~ that is required to send another child outside of the elementary district to attend high school and the child of elementary age may more conveniently attend an elementary school where the high school is located, provided *that* the child resides more than 3 miles from an elementary school in the resident district or *that* the parent ~~must~~ is required to move to the elementary district where the high school is located to enroll another child in high school;

(d) the child has been adjudicated by a court of competent jurisdiction to be an abused, neglected, or dependent child, as defined in 41-3-102, or a youth in need of supervision or a delinquent youth, as defined in 41-5-103, and has been placed in a licensed youth care facility that is approved by the department of family services and, as a result of the placement, is required to attend school outside of the child's district of residence; or

(e) the child is required to attend school outside of the district of residence as the result of a placement by a state agency or parent in a group home licensed by the state or an order of a court of competent jurisdiction.

(2) (a) Whenever a parent or guardian of a child, an agency of the state, or a court wishes to have a child attend a school under the provisions of this section, the parent or guardian, agency, or court shall complete an out-of-district attendance agreement in consultation with an appropriate official of the district the child will attend.

(b) The attendance agreement must set forth the financial obligations, if any, for costs incurred for tuition and transportation as provided in 20-5-323 and Title 20, chapter 10.

(c) The trustees of the district of choice may waive any or all of the tuition rate, but any waiver must be applied equally to all students.

(3) Except as provided in subsection (4), the trustees of the resident district and the trustees of the district of choice shall approve the out-of-district attendance agreement and notify the county superintendent of schools of the county of the child's residence of the approval of the agreement within 10 days. The county superintendent shall approve the agreement for payment under 20-5-324(5).

(4) Unless the child is a child with disabilities who resides in the district, the trustees of the district where the school to be attended is located may disapprove an out-of-district attendance agreement whenever they find that, due to insufficient room and overcrowding, the accreditation of the school would be adversely affected by the acceptance of the child."

Section 2. **Effective date — retroactive applicability.** [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to attendance agreements signed after [the effective date of this act] for the school fiscal year beginning July 1, 1994.

Approved January 3, 1994.

CHAPTER NO. 33

[HB 60]

AN ACT ELIMINATING THE CLEAN COAL TECHNOLOGY DEMONSTRATION FUND; ELIMINATING THE CLEAN COAL TECHNOLOGY PROGRAM; AMENDING SECTION 17-5-703, MCA; REPEALING SECTIONS 15-24-2301, 15-24-2302, 90-4-901, 90-4-902, 90-4-903, 90-4-904, 90-4-905, AND 90-4-906, MCA; SECTION 11, CHAPTER 722, LAWS OF 1991; AND SECTIONS 1, 2, 3, 4, AND 5, CHAPTER 515, LAWS OF 1993; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-5-703, MCA, is amended to read:

"**17-5-703. Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution ~~shall be~~ is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax ~~shall must~~ be deposited;

(b) a treasure state endowment fund;

~~(c) a clean coal technology demonstration fund;~~

~~(d)(c)~~ a coal severance tax permanent fund;

~~(e)(d)~~ a coal severance tax income fund; and

~~(f)(e)~~ a coal severance tax school bond contingency loan fund.

(2) The state treasurer shall determine the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund on the next two ensuing semiannual payment dates and retain that amount in the coal severance tax bond fund.

(3) (a) On January 21, 1992, and continuing as long as any school district bonds secured by state loans under 20-9-466 are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under 20-9-466 during the next following 12 months.

~~(4) Beginning July 1, 1991, and ending June 30, 1997, from any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of any amount that is required to be transferred by subsection (3), the department of revenue shall, upon request from the department of natural resources and conservation, transfer an amount up to \$5 million per fiscal year to the clean coal technology demonstration fund.~~

~~(5)(4)~~ Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall transfer to the treasure state endowment fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to ~~subsections subsection (3) and (4).~~

~~(6)(5)~~ (a) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall from time to time transfer to the coal severance tax permanent fund 50% of the principal transferred from the coal severance tax bond fund to the treasure state endowment fund in the preceding year.

(b) The state treasurer shall annually transfer to the treasure state endowment special revenue account the amount of interest earnings required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Interest earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund."

Section 2. **Repealer.** Sections 15-24-2301, 15-24-2302, 90-4-901, 90-4-902, 90-4-903, 90-4-904, 90-4-905, and 90-4-906, MCA; section 11, Chapter 722, Laws of 1991; and sections 1, 2, 3, 4, and 5, Chapter 515, Laws of 1993, are repealed.

Section 3. **Effective date.** [This act] is effective on passage and approval.

Approved January 3, 1994.

1 the district of residence as the result of a placement by a
2 state agency or parent in a group home licensed by the state
3 or an order of a court of competent jurisdiction.

4 (2) (a) Whenever a parent or guardian of a child, an
5 agency of the state, or a court wishes to have a child
6 attend a school under the provisions of this section, the
7 parent or guardian, agency, or court shall complete an
8 out-of-district attendance agreement in consultation with an
9 appropriate official of the district the child will attend.

10 (b) The attendance agreement must set forth the
11 financial obligations, if any, for costs incurred for
12 tuition and transportation as provided in 20-5-323 and Title
13 20, chapter 10.

14 (c) The trustees of the district of choice may waive
15 any or all of the tuition rate, but any waiver must be
16 applied equally to all students.

17 (3) Except as provided in subsection (4), the trustees
18 of the resident district and the trustees of the district of
19 choice shall approve the out-of-district attendance
20 agreement and notify the county superintendent of schools of
21 the county of the child's residence of the approval of the
22 agreement within 10 days. The county superintendent shall
23 approve the agreement for payment under 20-5-324(5).

24 (4) Unless the child is a child with disabilities who
25 resides in the district, the trustees of the district where

1 the school to be attended is located may disapprove an
2 out-of-district attendance agreement whenever they find
3 that, due to insufficient room and overcrowding, the
4 accreditation of the school would be adversely affected by
5 the acceptance of the child."

6 NEW SECTION. **Section 2.** Effective date --
7 applicability. [This act] is effective July 1, 1994, and
8 applies to attendance agreements for the school fiscal year
9 beginning July 1, 1994.

-End-

Loren Frazier, School Administrators of Montana, said the association have studied this issue for several years. He said the association supports HB 59.

Glen Anderson, Choteau School District, supports HB 59.

OPPONENT:

Eric Feaver, Montana Education Association, said that all high schools might have independent elementary schools within their boundaries. He offered several amendments to the bill.

QUESTIONS:

REP. DAVIS questioned the ten-year period and asked about the amendments.

Mr. Bartos said that things change in a district within a ten-year period.

REP. ELLIS referred to various schools and noted the discrepancies between the various charts. He said it makes a big difference whether this information is presented to the people before they vote.

Mr. Bartos said that under unification and consolidation laws now in effect, there is not a specific requirement other than it is part of the public record.

CHAIRMAN HANSON questioned Andrea Merrill about the amendments.

Andrea Merrill said the amendments were technical and explained each of them.

Closing by Sponsor:

REP. BENEDICT closed by saying that HB 59 will eliminate duplication. This bill lets districts decide when and where to consolidate, and let the schools decide when and where to consolidate.

HEARING ON HB 56

Opening by Sponsor:

REP VICKI COCCHIARELLA, District 59, Missoula, said this bill clarifies the mandatory approval for attendance outside a child's school district of residence will not required if certain geographic conditions are met, and if the district of residence provides transportation and is within the same county as the child's school district of choice.

PROPOSERS:

Rachael Viellux, County Superintendents Association, said that some problems developed because of the measure from the 1993 session; it is necessary to clarify and simplify who was removed from the law and who should have stayed in. The attempt was not to change anything, but to clarify past legislation.

Daryl Bertelsen, Superintendent of Schools, Belt School District, noted that large schools districts have been built right on the edge of Great Falls so now there are students who attend the Great Falls school system.

Don Waldron, Montana Rural Education Association, supports HB 56.

Loren Frazier, School Administrators of Montana, stated his support to HB 56.

Bob Anderson, Montana School Board Association, supports HB 56.

Penny Bertelsen, Superintendent, Sun River Valley Schools, supports this bill.

OPPOSERS:

None.

QUESTIONS:

REP. WYATT asked for an explanation of what the advantages are for the larger school districts.

Ms. Brannon said it was the parents responsibility to pay the transportation of their children to school.

Closing by Sponsor:

REP. COCCHIARELLA closed by distributing a copy of the fiscal note and explained what it does. EXHIBIT 10

EXECUTIVE ACTION ON HB 56

Motion/Vote: REP. MCCULLOCH MOVED HB 56 DO PASS AS AMENDED.
Motion carried 15 - 3 with REPS. DOLEZAL, WYATT AND HARRINGTON voting no.

HEARING ON HB 64

REP. MICHAEL KADAS, District 55, Missoula, said this bill will increase the 2 mills to 3 mills the maximum amount that a board of trustees of a unified K-12 school district may levy for adult education.



HOUSE STANDING COMMITTEE REPORT

December 8, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that **House Bill 56** (first reading copy -- white) do pass as amended.

Signed: *AS" Sonny Hanson*
Sonny Hanson, Chair

And, that such amendments read:

1. Title, line 10.

Following: the first "AN"

Insert: "IMMEDIATE"

Following: the second "AND"

Strike: "AN"

Insert: "A RETROACTIVE"

2. Page 4, line 7.

Following: line 6

Insert: "retroactive"

Strike: "July 1, 1994"

Insert: "on passage and approval"

3. Page 4, line 8.

Following: "applies"

Insert: "retroactively, within the meaning of 1-2-109,"

Following: "agreements"

Insert: "signed after [the effective date of this act]"

-END-

Committee Vote:

Yes 15, No 3.

091624SC.Hcr

Handwritten notes:
12-9-93
15-3-93

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - SPECIAL SESSION
COMMITTEE ON EDUCATION**

Call to Order: By Senator Blaylock, on December 13, 1993, at
3:10 P.M.

ROLL CALL

Members Present:

Sen. Chet Blaylock, Chair (D)
Sen. John Brenden (R)
Sen. Bob Brown (R)
Sen. John Hertel (R)
Sen. Spook Stang (D)
Sen. Bill Wilson (D)
Sen. Bill Yellowtail (D)

Members Excused: Senators Fritz, Toews and Waterman

Members Absent: None

Staff Present: Eddy McClure, Legislative Council
Sylvia Kinsey, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 56, HB 59, HB 64 and SB 46
Executive Action: HB 56

HEARING ON HOUSE BILL 56

Opening Statement by Sponsor: Representative Cocchiarella, HD
59, explained House Bill 56 and said it would provide mandatory
approval for a child to attend a school outside the home district
if certain conditions were met corrects a prior bill. On the
bottom of page one they put language back into the bill so it did
not mess up the payment situation. Tuition arrangements have
been ongoing and they did not want to mess them up for children
who are closer to another school which is not in their district.

Proponents' Testimony: Don Waldron, MREA (Montana Rural
Education Association) said the study committee has taken care of
problems and this bill does the job they are expected to do.

Loren Frazier, Montana School Administrators, said we sat here and put the bills together last spring. These are the things that sort of fell out and we now support the amendments because that was the intent at the time we put the bills together.

Lynda Brennan, Montana Association of School Business Officials, said they support this because it is clean up language that makes the bill easier to administer

Bob Anderson, Montana School Boards Association, said they also support this bill.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses: Senator Blaylock asked if this bill would clean up problems with the other bill and Ms. Cocchiarella said she could not guarantee it would not be visited again, but these were the two hot items that came to the surface in the task force that we need to deal with immediately. The task force will continue to meet to address any other problems in the bill.

Closing by Sponsor: Representative Cocchiarella said she closed.

EXECUTIVE ACTION ON HOUSE BILL 56

Motion/Vote: Senator Brown moved House Bill 56 be concurred in. Motion passed unanimously by those present. Senator Blaylock to carry the bill.

HEARING ON SENATE BILL 46

Opening Statement by Sponsor: Senator Klampe explained the bill and said it repeals the section of law that deals with bonus payments for consolidation or annexation of schools. We pay schools incentive payments to consolidate or annex and it is based on \$450 per student per year in the class one and class two schools and \$750 per student per year for three years in a smaller district. He said this number adds up pretty fast. He said there is a generalized bonus payment and a transportation bonus payment. This bill strikes those statutes and has a savings clause which allows those schools receiving their bonus payments to continue doing so. He said if you are of the theory that consolidation will save money, you should probably vote against this bill. He said the in talking to schools that have annexed you will find that it does not save money in Montana, but usually costs money.

Proponents' Testimony: None.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 13, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 56 (third reading copy -- blue), respectfully report that House Bill No. 56 be concurred in.

Signed: Chet Blaylock
Senator Chet Blaylock, Chair

M-Amd. Coord.
SB Sec. of Senate

Blaylock
Senator Carrying Bill

131653SC.Sma